

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 25, 2011

Lyle W. Cayce
Clerk

No. 11-60022
Summary Calendar

SHELTON F. HALL,

Plaintiff-Appellant,

versus

GEORGIA GULF CHEMICALS & VINYLs, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 3:10-CV-512

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Shelton Hall sued his employer for wrongful termination, claiming he was

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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fired because he reported to the company that he had been assaulted by a co-worker. This is a diversity case based on Mississippi common law.

The company moved to dismiss, maintaining that Mississippi is an employment-at-will state and that Hall had not shown entitlement to the only exception to the at-will doctrine, which is discharge for reporting illegal acts of the employer. The district court granted the motion, correctly reasoning as follows:

The only factual allegations in the complaint are that a co-worker assaulted plaintiff, that plaintiff reported the assault, and that he was terminated in retaliation for reporting the assault. There is no allegation that [the employer] authorized the assault or any facts alleged to support an inference that it ratified the assault or that the assault occurred in the course and scope of employment.

The district court carefully explained its reasons in a succinct but sufficiently thorough Memorandum Opinion and Order. We AFFIRM, essentially for the reasons given by the district court.